

B-54



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of James Scholts,
Department of Environmental
Protection

Classification Appeal

CSC Docket No. 2014-3103

ISSUED: **FEB - 6 2015** (WR)

James Scholts appeals the attached decision of the Division of Classification and Personnel Management (CPM) that his position with the Department of Environmental Protection (DEP) is properly classified as a Parks Maintenance Supervisor 2. The appellant seeks a Parks Maintenance Supervisor 1 classification in this proceeding.

The record in the present matter establishes that the appellant's permanent title is Parks Maintenance Supervisor 2. His position is located in the Division of Parks and Forestry, State Park Service, Northern Region 3, Kittatinny Valley State Park/Waterloo¹ and he reports to Stephen Ellis, a Superintendent Parks and Forestry 1. The appellant supervises three Parks Maintenance Specialists 1 and one Parks Maintenance Worker 2. The appellant sought a reclassification of his position to Parks Maintenance Supervisor 1. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performs, which CPM reviewed and analyzed. In its decision, CPM determined that the duties performed by the appellant were consistent with his permanent title of Parks Maintenance Supervisor 2 because the appellant functions as a primary level supervisor at a Class 3 Park.

On appeal to the Civil Service Commission (Commission), the appellant claims that, since CPM's determination was issued, the two Parks Maintenance

¹ It is noted that the DEP Area Management Classification System (AMCS) classifies Kittatinny Valley State Park as a Class 3 Park.

Specialists 2 he supervises have been promoted. Consequently, he asserts that he now oversees "more complex projects and manag[es] higher levels of competent performance." The appellant also contends that, like a Parks Maintenance Supervisor 1, he operates under "general direction" of a supervisory official. He states that his supervisor agreed on his PCQ that this level of supervision was necessary to maintain a productive work environment at Kittatinny Valley State Park. He also claims that CPM did not address that he did all the scheduling for the positions he supervises, and develops and implements maintenance programs, duties he contends are consistent with those of a Parks Maintenance Supervisor 1. Additionally, the appellant asserts that an individual located at Kittatinny Valley State Park was previously promoted to the title of Parks Maintenance Supervisor 1, despite only supervising one Maintenance Worker 1 and being supervised by a Superintendent Parks and Forestry 4, where he supervises five positions and is supervised by a Superintendent Parks and Forestry 1. Finally, the appellant states that upon his transfer to Kittatinny Valley State Park, he was informed that he would be placed either in the 1 or 2 title. In support of his appeal, the appellant submits a 2006 letter informing him of his reassignment to Kittatinny Valley State Park in his current permanent title of Parks Maintenance Supervisor 2, effective March 18, 2006.² He also submits information related to the previous individual's appointment to Parks Maintenance Supervisor 1 at Kittatinny Valley State Park.

CONCLUSION

The definition section of the job specification for Parks Maintenance Supervisor 2 states:

Under direction of a Parks Maintenance Supervisor 1 at a Class 1 or 2 park, or other supervisory official at a Class 3 or 4 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, assists in supervising and independently performs the semiskilled work involved in the construction, maintenance, repair, and improvement of structures, equipment, and grounds of State Park Service facilities; does other related duties as required.

The definition section of the job specification for Parks Maintenance Supervisor 1 states:

Under general direction of a Superintendent or other supervisory official at a Class 1 and 2 park in the State Park Service, Division of Parks and Forestry, Department of Environmental Protection, supervises and as required independently performs semiskilled work

² The letter also indicated that the reassignment was due to the appellant's stated interest in a vacancy at Kittatinny Valley State Park for a Parks Maintenance Supervisor 1 or 2 position.

involved in construction, maintenance, repair, and improvement of structures, equipment, systems, and grounds of State Park Service facilities; does other related duties as required.

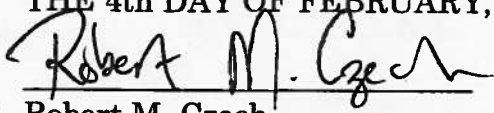
As noted by CPM, the main difference between the two titles is that a Parks Maintenance Supervisor 1 functions as a second-level supervisor overseeing maintenance supervisors and staff, developing work schedules, and monitoring work assignments at a Class 1 or Class 2 Park. However, a Parks Maintenance Supervisor 2 functions at the primary level of supervision, and assigns and reviews the work of maintenance personnel, evaluates employee performance, and takes the lead of work of the unit at a Class 1, 2, 3 or 4 Park. The appellant is located at Kittatinny Valley State Park which is classified as a Class 3 Park. While the appellant asserts that he performs duties that CPM did not address and individuals whom he supervises have been promoted since his classification review, these arguments do not change the fact that his position is assigned to a Class 3 Park. Moreover, the duties that the appellant asserts he performs are appropriately performed by a Parks Maintenance Supervisor 2. Additionally, the Commission notes that because classification reviews are based on a current review of assigned duties, any changes in the appellant's duties after his classification review are immaterial to the instant matter. Finally, regarding the appellant's claim that an individual located at Kittatinny Valley State Park was previously appointed to Parks Maintenance Supervisor 1, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Stephen Berezny* (CSC, decided July 27, 2011) (Remedy for misclassification of another position is not to perpetuate the misuse of the higher title by reclassifying the appellant's position to that title, but rather, to review the position classifications of the positions encumbered by the named employees to ensure that they are properly classified). Accordingly, because the appellant functions as a primary level supervisor at a Class 3 Park, it is clear that the appellant's position is properly classified as a Parks Maintenance Supervisor 2.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4th DAY OF FEBRUARY, 2015



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